

Notice of Allowability

Application No.

09/822,853

Applicant(s)

SHIN ET AL.

Examiner

Brian Q. Le

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/12/2007.
2. ☒ The allowed claim(s) is/are 14-17, 19, and 21-24 (renumbered from 1-9).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter McKenna (Reg. No. 38,551) on July 17, 2007.

The application has been amended as follows (please **ONLY** change the "emphasis added" word(s) of the claims):

Regarding claim 14, line 1, "A method of measuring the textural similarity of images ..." as presented by the Applicant need to change as follow "A method of measuring a textural similarity of images ..." (emphasis added).

Regarding claim 14, line 2, "method comprising." as presented by the Applicant need to change as follow "method comprising:" (emphasis added).

Regarding claim 14, line 10, "... the equation D" as presented by the Applicant need to change as follow "... an equation D" (emphasis added).

Regarding claim 15, line 3, "... the textural regularity ..." as presented by the Applicant need to change as follow "... a textural regularity ..." (emphasis added).

Regarding claim 15, line 5, " determining the difference between ..." as presented by the Applicant need to change as follow "determining a difference between ..." (emphasis added).

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Regarding claim 17, line 1, "... wherein the degree of" as presented by the Applicant need to change as follow "... wherein a degree of" (emphasis added).

Regarding claim 17, line 3, " on the magnitude ..." as presented by the Applicant need to change as follow "on a magnitude ..." (emphasis added).

Regarding claim 19, line 2, " ... the textural similarity of images, ..." as presented by the Applicant need to change as follow "... a textural similarity of images, ..." (emphasis added).

Regarding claim 19, line 13, "scaling factor and the function d is defined as:" as presented by the Applicant need to change as follow "scaling factor and the function \hat{d} is defined as:" (emphasis added).

Regarding claim 21, line 1, " ... the textural similarity of images," as presented by the Applicant need to change as follow "a textural similarity of images," (emphasis added).

Regarding claim 21, line 6, "...a function of the perceptual dissimilarity..." as presented by the Applicant need to change as follow "a function of a perceptual dissimilarity..." (emphasis added).

Regarding claim 22, line 3, " ... the textural regularity of" as presented by the Applicant need to change as follow "a textural regularity of" (emphasis added).

Regarding claim 22, line 5, " ... determining the difference between ..." as presented by the Applicant need to change as follow "determining a difference between ..." (emphasis added).

Regarding claim 24, line 2, " ... to control the degree of influence of" as presented by the Applicant need to change as follow "... to control a degree of influence of" (emphasis added).

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 14, 19 and 21, the prior art of records do not show a method for measuring a textural similarity of images comprises a concept of automatically determine textural dissimilarity as defined by the equations as claimed in combination with other limitations of the claims.

Other claims are allowed because of their dependence on the independent claims.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONTACT INFORMATION

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian Le
July 17, 2007